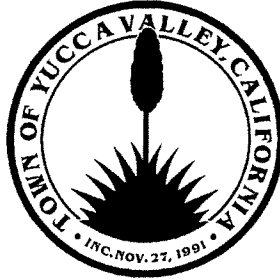


**TOWN OF YUCCA VALLEY
REVENUE MEASURE OVERSIGHT COMMISSION**



*The Mission of the Town of Yucca Valley is to
provide a government that is responsive to its citizens
to ensure a safe and secure environment
while maintaining the highest quality of life.*

**MONDAY, MAY 8, 2017 – 5:30 PM
YUCCA VALLEY COMMUNITY CENTER
YUCCA ROOM
57090 - 29 PALMS HIGHWAY
YUCCA VALLEY, CALIFORNIA 92284**

*** * * ***

REVENUE MEASURE OVERSIGHT COMMISSIONERS

*Larry Burge
Dale Charrette
Lori Herbel
Paul Hoffman
George Huntington
Joanne Keiter
James Ricker*

*** * * ***

**TOWN ADMINISTRATIVE OFFICE:
760-369-7207
www.yucca-valley.org**

**AGENDA
MEETING OF THE
REVENUE MEASURE OVERSIGHT COMMISSION
MONDAY, MAY 8, 2017
5:30 P.M.**

The Town of Yucca Valley complies with the Americans with Disabilities Act of 1990. If you require special assistance to attend or participate in this meeting, please call the Town Clerk's Office at 760-369-7209 at least 48 hours prior to the meeting.

An agenda packet for the meeting, and any additional documents submitted to the majority of the Revenue Measure Oversight Commission, are available for public view in the Town Hall lobby and with respect to the staff agenda packet, on the Town's website, www.yucca-valley.org, prior to the commission meeting. Any materials submitted to the Agency after distribution of the agenda packet will be available for public review in the Town Clerk's Office during normal business hours and will be available for review at the commission meeting. For more information on an agenda item or the agenda process, please contact the Town Clerk's office at 760-369-7209 ext. 226.

If you wish to comment on any subject on the agenda, or any subject not on the agenda during public comments, please fill out a card and give it to the Town Clerk. The Clerk will recognize you at the appropriate time to speak. Comment time is limited to 3 minutes.

(WHERE APPROPRIATE OR DEEMED NECESSARY, ACTION MAY BE TAKEN ON ANY ITEM LISTED IN THE AGENDA)

OPENING CEREMONIES

CALL TO ORDER

PLEDGE OF ALLEGIANCE

OATH OF OFFICE

**ROLL CALL: Commissioners Burge, Charrette, Herbel, Hoffman,
Huntington, Keiter, and Ricker**

INTRODUCTION OF STAFF

INTRODUCTION OF COMMISSIONERS

PRESENTATION

1. Oversight Commission Formation and Guidelines

DEPARTMENT REPORTS

2. Selection of Commission Chair

Recommendation:

Nominate a Commissioner to serve as Chair

3. Selection of Commission Vice-Chair

Recommendation:

Nominate a Commissioner to serve as Vice-Chair

4. Selection of Meeting Schedule

Recommendation:

Select meeting dates for June, July and August of 2017.

5. Manual of Procedural Guidelines

Recommendation:

Receive and file an overview of the Town's Manual of Procedural Guidelines for the Conduct of Town Council and Constituent Body/Commission Meetings

6. Overview of Town Organization, Functions and Resources

Recommendation:

Receive and File an overview of the Town's organization, functions, and current budget

FUTURE AGENDA ITEMS

PUBLIC COMMENTS

In order to assist in the orderly and timely conduct of the meeting, the Commission takes this time to consider your comments on items of concern which are not on the agenda. When you are called to speak, please state your name and community of residence. Please limit your comments to three (3) minutes or less. Inappropriate behavior which disrupts, disturbs or otherwise impedes the orderly conduct of the meeting will result in forfeiture of your public comment privileges. The Commission is prohibited by State law from taking action or discussing items not included on the printed agenda.

STAFF REPORTS AND COMMENTS

COMMISSIONER REPORTS AND COMMENTS

- Commissioner Burge
- Commissioner Charrette
- Commissioner Herbel
- Commissioner Hoffman
- Commissioner Huntington
- Commissioner Keiter
- Commissioner Ricker

ANNOUNCEMENTS

ADJOURNMENT

REVENUE MEASURE OVERSIGHT COMMISSION STAFF REPORT

To: Revenue Measure Oversight Commissioners
From: Curtis Yakimow, Town Manager
Date: May 4, 2017
For Council Meeting: May 8, 2017

Subject: Oversight Commission Formation and Guidelines Presentation

Town staff will provide a presentation reviewing Ordinance 265 that established the Oversight Commission, and the Oversight Commission Summary of Guidelines.

Presentation Objective:

Prior to the Commission’s action to select a Chair and Vice-Chair, staff will review the Oversight Commission’s implementing ordinance as well as the Oversight Commission’s Summary of Guidelines. This verbal summary will highlight the following:

- Commission Requirement in Measure Y and Measure Z
- Establishment of Commission – Ordinance 265
- Commission Guidelines dated February 7, 2017
- Objective and charge of Commission
- Role of Chair, Vice-Chair
- Role of Town staff
- Brown Act
- Questions

Attachments: Ordinance 263
Ordinance 264
Ordinance 265
Summary of Guidelines

Reviewed By:	Town Manager	Town Attorney	Finance Manager	Department
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<input checked="" type="checkbox"/> Presentation	<input type="checkbox"/> Ordinance Action	<input type="checkbox"/> Resolution Action	<input type="checkbox"/> Public Hearing
<input type="checkbox"/> Consent	<input type="checkbox"/> Minute Action	<input type="checkbox"/> Receive and File	<input type="checkbox"/> Study Session

Town of Yucca Valley

Ordinance 263

ORDINANCE NO. 263

AN ORDINANCE OF THE PEOPLE OF THE TOWN OF YUCCA VALLEY ADDING CHAPTER 3.26 TO THE YUCCA VALLEY MUNICIPAL CODE IMPOSING A TEMPORARY TRANSACTIONS AND USE TAX TO BE ADMINISTERED BY THE STATE BOARD OF EQUALIZATION, SUBJECT TO APPROVAL OF A MAJORITY OF THE ELECTORS VOTING ON THE TAX MEASURE AT THE GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 8, 2016.

WHEREAS, Article XIII C, Section 2 of the California Constitution authorizes a city to impose a general tax if approved by a majority vote of the qualified electors; and

WHEREAS, Part 1.6 (commencing with Section 7251) of Division 2 of the California Revenue and Taxation Code, and Section 7285.9 of the California Revenue and Taxation Code, authorizes a city to adopt a transactions and use (sales) tax ordinance, which shall be operative if a majority of the electors voting on the measure vote to approve the imposition of the tax at an election called for that purpose; and

WHEREAS, the Town has heard a great deal from the community about their desire for better local services, especially public safety and streets and pothole repair; and

WHEREAS, the Citizens for Lower Sewer Costs Committee, along with other community members and town staff, have concluded that the best option available to the Town to address local town service needs is a one-half cent sales tax measure; and

WHEREAS, the Citizens for Lower Sewer Costs Committee recommends the Town Council place a one-half cent sales tax measure for local town services on the November 2016 ballot for voters' consideration; and

WHEREAS, if approved, the proposed Town services measure will provide Yucca Valley with locally-controlled funding for Town services that are protected by law from Sacramento; and

WHEREAS, Town streets are underfunded and they are continuing to deteriorate; and

WHEREAS, more and more parolees and sex offenders are being released early into the local community because of state cuts to prisons, which may threaten public safety in our Town and neighborhoods; and

WHEREAS, local Town service priorities include preventing violent crimes, maintaining youth violence prevention and gang intervention programs, supporting fire protection services, providing additional police officers and neighborhood patrols, fixing streets and potholes, and providing ongoing street maintenance; and

WHEREAS, the proposed Town services measure requires an independent taxpayers' oversight committee, mandatory financial audits, and yearly reports to the community to ensure the funds are spent as promised; and

WHEREAS, many of the Town's neighborhood streets and roads are deteriorated and riddled with cracks, pot holes, loss of structural base, and other characteristics of asphalt deterioration. These deteriorated road conditions are exacerbated by the fact that there are many other streets that are unpaved, or located on steep hillsides, wash-out zones or otherwise regularly subjected to extreme weather conditions inherent to the desert environment. While the Town has made major improvements to a number of streets, additional funds are needed to address streets that are in the worst condition; and

WHEREAS, the Town estimates a deferred maintenance liability of approximately \$14 million on Town maintained roads. There is currently no identified funding source to sufficiently address this community need; and

WHEREAS, over the last several years, there has been an increase in crime rates, an increase in the number of calls for police services and an increase in crime in the Town of Yucca Valley, with burglaries increasing 113% in 2015 from the prior year. Nonetheless, the level of police services for the Town has remained the same since 2009 due to constraints on the Town's General Fund, which is the source of funding for police services; and

WHEREAS, Town citizens repeatedly rank general services, like public safety and street maintenance, as their top priorities. However, no sufficiently reliable sources of revenue exist to address the Town of Yucca Valley's critical infrastructure and general service needs, while maintaining the Town's long-term financial viability. Sacramento money grabs and unfunded state mandates continually threaten funding for local services, impacting our quality of life. A local general tax, however, is a guaranteed source of local funding that cannot be taken by Sacramento and requires that our tax dollars are spent locally for Town residents; and

WHEREAS, the Town of Yucca Valley has worked diligently to reduce expenditures by modifying or eliminating various Town programs; reducing employee salary costs and reducing non-public safety staff by almost 20% since 2008, and critically examining all expenditures; and

WHEREAS, the Town of Yucca Valley has implemented local pension reform measures, including a reduced-benefit pension program for new employees and requiring all employees to pay their share towards retirement costs, resulting in significant savings to taxpayers; and

WHEREAS, as stated in presentations by the Joshua Tree National Park, millions of visitors come to the Town of Yucca Valley each year to shop, use local services and traverse the Town as a gateway to the Joshua Tree National Park. To date, no fiscal measures have been taken to ensure that these visitors contribute a fair share for their use of local services, including their use of roads, sidewalks, parks, police and other services they use when they visit the Town; and

WHEREAS, the Town Council received valuable input from the community through the Town's Strategic Planning Outreach activities in support of identifying alternative revenue

solutions, and was approached by the Citizen's for Lower Sewer Costs seeking ways to maintain essential Town services and lower sewer costs for Town property owners, and received positive responses from the community in the April 2016 Community Needs Survey indicating potential support for a local revenue measure or measures; and

WHEREAS, a local revenue measure would give Yucca Valley local control over local funds, for local community priorities including but not limited to, maintaining neighborhood police patrols and 911 response, maintaining and repairing existing neighborhood streets and alleys, and maintaining community requested quality of life programming such as the Town's aquatics program, seniors site programming, and other community participant programming; and

WHEREAS, by taking this step, keeping the Town safe, crime rates low, emergency response times low for all areas of the Town, keeping the Town well maintained with critical public facility infrastructure and maintaining desired quality of life programming, the Town can protect property values and preserve the Town's small town atmosphere; and

WHEREAS, as a solution to the fiscal constraints on general services, the Town Council desires to submit to the voters a proposal to enact a one-half cent per dollar (i.e., 0.5%) transaction and use tax for a period of ten (10) years in the Town of Yucca Valley, with the funds to be deposited in the Town's General Fund and be used for general Town purposes and services, including but not limited to police and crime prevention, fire protection, paramedic and 911 emergency response services, street repair and maintenance, graffiti prevention and abatement, anti-gang activities and other quality of life programs; and

WHEREAS, funds from this proposed measure are subject to strict fiscal accountability and transparency provisions, including annual independent audits, review by a citizens' oversight committee, and the publishing of expenditure reports to confirm that funds are spent efficiently and effectively; and

WHEREAS, California Constitution Article XIII C, Section 2, provides that any general tax must be submitted to the electorate and approved by a majority vote of the electorate; and

WHEREAS, California Constitution Article XIII C, Section 2, provides that an election regarding a general tax must be consolidated with a regularly-scheduled general municipal election for members of the Town Council; and

WHEREAS, a general municipal election on Tuesday, November 8, 2016, has been called by Resolution No. 16-15, adopted on June 7, 2016; and

WHEREAS, on the basis of the foregoing, following a public hearing on August 2, 2016, the Town Council determines it is appropriate to place a measure before the voters at the November 8, 2016, general municipal election regarding adoption of a Town transactions and use tax.

NOW THEREFORE, on the basis of the foregoing, the People of the Town of Yucca Valley at the November 8, 2016, general municipal election do hereby Ordain as follows:

SECTION 1. A new Chapter 3.26 is hereby added to the Yucca Valley Municipal Code to read as follows:

“Chapter 3.26”

TEMPORARY TRANSACTIONS AND USE TAX

3.26.010: SHORT TITLE:

This Chapter shall be known as the Town of Yucca Valley Essential Services Transactions and Use Tax Ordinance. This Chapter shall be applicable only in the incorporated territory of the Town.

3.26.020: BASIC DEFINITIONS:

As used in this Chapter, "Town" means the Town of Yucca Valley and "tax" means the temporary transactions and use tax (general tax) imposed under the provisions of this Chapter.

3.26.030: OPERATIVE DATE:

"Operative Date" means the first day that the tax is imposed. The “operative date” means the first day of the first calendar quarter commencing more than 110 days after the effective date of this Chapter, such effective date being as set forth below.

3.26.040: PURPOSE:

This Chapter is adopted to achieve the following, among other purposes, and directs that the provisions hereof be interpreted in order to accomplish those purposes:

A. To impose a temporary retail transactions and use tax in accordance with the provisions of Part 1.6 (commencing with Section 7251) of Division 2 of the Revenue and Taxation Code and Section 7285.9 of Part 1.7 of Division 2, which authorizes the Town to adopt this tax ordinance which shall be operative only if a majority of the electors voting on the measure vote to approve the imposition of the tax at an election called for that purpose.

B. To adopt a temporary retail transactions and use tax (general tax) ordinance that incorporates provisions identical to those of the Sales and Use Tax Law of the State of California insofar as those provisions are not inconsistent with the requirements and limitations contained in Part 1.6 of Division 2 of the Revenue and Taxation Code.

C. To adopt a temporary retail transactions and use tax ordinance that imposes a general tax and provides a measure therefore that may be administered and collected by the State Board of Equalization in a manner that adapts itself as fully as practicable to, and requires the least possible deviation from, the existing statutory and administrative procedures followed by the State Board of Equalization in administering and collecting the California State Sales and Use Taxes.

D. To adopt a temporary retail transactions and use tax ordinance that may be administered in a manner that will be, to the greatest degree possible, consistent with the provisions of Part 1.6 of Division 2 of the Revenue and Taxation Code, minimize the cost of collecting the transactions and use taxes, and at the same time, minimize the burden of record keeping upon persons subject to taxation under the provisions of this ordinance.

3.26.050: CONTRACT WITH STATE:

Prior to the operative date, the Town shall contract with the State Board of Equalization to perform all functions incident to the administration and operation of this transactions and use tax ordinance; provided however, that if the Town shall not have contracted with the State Board of Equalization prior to the operative date, it shall nevertheless so contract and in such a case the operative date shall be the first day of the first calendar quarter following the execution of such a contract.

3.26.060: IMPOSITION OF TRANSACTIONS TAX; TRANSACTIONS TAX RATE:

For the privilege of selling tangible personal property at retail, a tax is hereby imposed upon all retailers in the incorporated territory of the Town at the rate of one-half cent per dollar (0.5%) of the gross receipts of any retailer from the sale of all tangible personal property sold at retail in said territory on and after the operative date of this Chapter.

3.26.070: PLACE OF SALE:

For the purposes of this Chapter, all retail sales are consummated at the place of business of the retailer unless the tangible personal property sold is delivered by the retailer or his agent to an out-of-state destination or to a common carrier for delivery to an out-of-state destination. The gross receipts from such sales shall include delivery charges, when such charges are subject to the State sales and use tax, regardless of the place to which delivery is made. In the event a retailer has no permanent place of business in the State or has more than one place of business, the place or places at which the retail sales are consummated shall be determined under rules and regulations to be prescribed and adopted by the State Board of Equalization.

3.26.080: USE TAX RATE:

An excise tax is hereby imposed on the storage, use or other consumption in the Town of tangible personal property purchased from any retailer on and after the operative date of this Chapter for storage, use or other consumption in said territory at the rate of one-half cent per dollar (0.5%) of the sales price of the property. The sales price shall include delivery charges when such charges are subject to State sales or use tax regardless of the place to which delivery is made.

3.26.090: PROCEEDS OF TAX:

The proceeds of the transactions and use tax imposed by this Chapter shall be deposited into the General Fund of the Town to be used for all general government purposes which may include, but are not limited to, fire and police protection, street and sidewalk repair and maintenance, library services, park repair and maintenance, recreational programs, building and code enforcement services, planning and zoning services, capital equipment requirements, public infrastructure, utilities and sewer systems, repair and replacement of Town facilities, capital improvement projects, operational expenses, fiduciary responsibilities, administration, indebtedness and general obligations of the Town. The tax imposed by this Chapter is intended to be and is, a general tax, the proceeds of which are to be spent as the Town Council shall in its discretion, from time to time, determine.

3.26.100: ADOPTION OF PROVISIONS OF STATE LAW:

Except as otherwise provided in this Chapter and except insofar as they are inconsistent with the provisions of Part 1.6 of Division 2 of the Revenue and Taxation Code, all of the provisions of Part 1 (commencing with Section 6001) of Division 2 of the Revenue and Taxation Code are hereby adopted and made a part of this Chapter as though fully set forth herein.

3.26.110: LIMITATIONS ON ADOPTION OF STATE LAW AND COLLECTION OF USE TAXES:

In adopting the provisions of Part 1 of Division 2 of the Revenue and Taxation Code:

A. Wherever the State of California is named or referred to as the taxing agency, the name of the Town shall be substituted therefore. However, the substitution shall not be made when:

1. The word "State" is used as a part of the title of the State Controller, State Treasurer, State Board of Equalization, State Treasury, or the Constitution of the State of California.

2. The result of that substitution would require action to be taken by or against this Town or any agency, officer, or employee thereof rather than by or against the State Board of Equalization, in performing the functions incident to the administration or operation of this Chapter.

3. In those sections, including, but not necessarily limited to, sections referring to the exterior boundaries of the State of California, where the result of the substitution would be to:

- i. Provide an exemption from this tax with respect to certain sales, storage, use or other consumption of tangible personal property, which would not otherwise be exempt from this tax while such sales, storage, use or other consumption remain subject to tax by the State under the provisions of Part 1 of Division 2 of the Revenue and Taxation Code, or
- ii. Impose this tax with respect to certain sales, storage, use or other consumption of tangible personal property, which would not be subject to tax by the State under the said provision of that code.

4. In Sections 6701, 6702 (except in the last sentence thereof), 6711, 6715, 6737, 6797 or 6828 of the Revenue and Taxation Code.

B. The word "Town" shall be substituted for the word "State" in the phrase "retailer engaged in business in this State" in Section 6203 and in the definition of that phrase in Section 6203 of the Revenue and Taxation Code.

3.26.120: PERMIT NOT REQUIRED:

If a seller's permit has been issued to a retailer under Section 6067 of the Revenue and Taxation Code, an additional transactor's permit shall not be required by this Chapter.

3.26.130: EXEMPTIONS AND EXCLUSIONS:

A. There shall be excluded from the calculation of the transactions tax and the use tax the amount of any sales tax or use tax imposed by the State of California or by any city, city and county, or county pursuant to the Bradley-Burns Uniform Local Sales and Use Tax Law or the amount of any State-administered transactions or use tax.

B. There are exempted from the computation of the amount of transactions tax the gross receipts from:

1. Sales of tangible personal property, other than fuel or petroleum products, to operators of aircraft to be used or consumed principally outside the county in which the sale is made and directly and exclusively in the use of such aircraft as common carriers of persons or property under the authority of the laws of this State, the United States, or any foreign government.

2. Sales of property to be used outside the Town which is shipped to a point outside the Town, pursuant to the contract of sale, by delivery to such point by the retailer or his agent, or by delivery by the retailer to a carrier for shipment to a consignee at such point. For the purposes of this paragraph, delivery to a point outside the Town shall be satisfied:

- i. With respect to vehicles (other than commercial vehicles) subject to registration pursuant to Chapter 1 (commencing with Section 4000) of Division 3 of the Vehicle Code, aircraft licensed in compliance with Section 21411 of the Public Utilities Code, and undocumented vessels registered under Division 3.5 (commencing with Section 9840) of the Vehicle Code by registration to an out-of-Town address and by a declaration under penalty of perjury, signed by the buyer, stating that such address is, in fact, his or her principal place of residence; and
- ii. With respect to commercial vehicles, by registration to a place of business out-of-Town and declaration under penalty of perjury, signed by the buyer, that the vehicle will be operated from that address.

3. The sale of tangible personal property if the seller is obligated to furnish the property for a fixed price pursuant to a contract entered into prior to the operative date of this Chapter.

4. A lease of tangible personal property which is a continuing sale of such property, for any period of time for which the lessor is obligated to lease the property for an amount fixed by the lease prior to the operative date of this Chapter.

5. For the purposes of subparagraphs (3) and (4) of this section, the sale or lease of tangible personal property shall be deemed not to be obligated pursuant to a contract or lease for any period of time for which any party to the contract or lease has the unconditional right to terminate the contract or lease upon notice, whether or not such right is exercised.

C. There are exempted from the use tax imposed by this Chapter, the storage, use or other consumption in this Town of tangible personal property:

1. The gross receipts from the sale of which have been subject to a transactions tax under any State-administered transactions and use tax ordinance.

2. Other than fuel or petroleum products purchased by operators of aircraft and used or consumed by such operators directly and exclusively in the use of such aircraft as common carriers of persons or property

for hire or compensation under a certificate of public convenience and necessity issued pursuant to the laws of this State, the United States, or any foreign government. This exemption is in addition to the exemptions provided in Sections 6366 and 6366.1 of the Revenue and Taxation Code of the State of California.

3. If the purchaser is obligated to purchase the property for a fixed price pursuant to a contract entered into prior to the operative date of this Chapter.

4. If the possession of, or the exercise of any right or power over, the tangible personal property arises under a lease which is a continuing purchase of such property for any period of time for which the lessee is obligated to lease the property for an amount fixed by a lease prior to the operative date of this Chapter.

5. For the purposes of subparagraphs (3) and (4) of this section, storage, use, or other consumption, or possession of, or exercise of any right or power over, tangible personal property shall be deemed not to be obligated pursuant to a contract or lease for any period of time for which any party to the contract or lease has the unconditional right to terminate the contract or lease upon notice, whether or not such right is exercised.

6. Except as provided in subparagraph (7), a retailer engaged in business in the Town shall not be required to collect use tax from the purchaser of tangible personal property, unless the retailer ships or delivers the property into the Town or participates within the Town in making the sale of the property, including, but not limited to, soliciting or receiving the order, either directly or indirectly, at a place of business of the retailer in the Town or through any representative, agent, canvasser, solicitor, subsidiary, or person in the Town under the authority of the retailer.

7. "A retailer engaged in business in the Town" shall also include any retailer of any of the following: vehicles subject to registration pursuant to Chapter 1 (commencing with Section 4000) of Division 3 of the Vehicle Code, aircraft licensed in compliance with Section 21411 of the Public Utilities Code, or undocumented vessels registered under Division 3.5 (commencing with Section 9840) of the Vehicle Code. That retailer shall be required to collect use tax from any purchaser who registers or licenses the vehicle, vessel, or aircraft at an address in the Town.

D. Any person subject to use tax under this chapter may credit against that tax any transactions tax or reimbursement for transactions tax paid to a district imposing, or retailer liable for a transactions tax pursuant to Part 1.6 of Division 2 of the Revenue and Taxation Code with respect to the sale to the person of the property the storage, use or other consumption of which is subject to the use tax.

3.26.140: CHANGES IN LAW:

All amendments subsequent to the effective date of this Chapter to Part 1 of Division 2 of the Revenue and Taxation Code relating to sales and use taxes and which are not inconsistent with Part 1.6 and Part 1.7 of Division 2 of the Revenue and Taxation Code, and all amendments to Part 1.6 and Part 1.7 of Division 2 of the Revenue and Taxation Code, shall automatically become a part of this Chapter, provided however, that no such amendment shall operate so as to affect the rate of tax imposed by this Chapter.

3.26.150: ENJOINING COLLECTION FORBIDDEN:

No injunction or writ of mandate or other legal or equitable process shall issue in any suit, action or proceeding in any court against the State or the Town, or against any officer of the State or the Town, to prevent or enjoin the collection under this Chapter, or Part 1.6 of Division 2 of the Revenue and Taxation Code, of any tax or any amount of tax required to be collected.

3.26.160: ANNUAL AUDIT:

The proceeds resulting from this Transactions and Use Tax shall be deposited into the Town's General Fund and become subject to the same independent annual audit requirements as other General Fund revenue.

3.26.170: CITIZEN OVERSIGHT COMMITTEE:

An Independent Citizens' Oversight Committee appointed by the Town Council shall review the expenditures of revenues generated by the tax imposed by this Chapter and make the results of such review publicly available. Such Committee shall meet and be subject to all provisions of the Ralph M. Brown Act, Government Code Sections 54950 et seq.

3.26.180: ALL FUNDS STAYING LOCAL:

All tax revenues collected under the authority of this Chapter shall be expended solely on local municipal services, and shall not be used for any other purposes.

3.26.190: EFFECTIVE DATE:

This Chapter levying the tax described herein shall be effective ten (10) days after the date on which the Town Council has declared that the voters of the Town of Yucca Valley have approved the Chapter by a vote of no less than a majority of the votes cast by the electors voting on the tax measure set forth in this Chapter at that general municipal election to be held on Tuesday, November 8, 2016.

3.26.200: TERMINATION DATE:

The authority to levy the tax imposed by this Chapter shall expire ten (10) years from the operative date.

3.26.210: PENALTIES:

Without limiting any remedies available at law or equity, any person violating any of the provisions of this Chapter shall be deemed guilty of a misdemeanor.

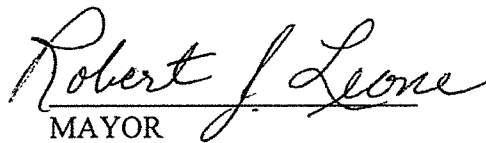
3.26.211: AMENDMENTS:

The tax rate in this Chapter may only be increased by a vote of the people of the Town of Yucca Valley; provided, however, that the Town Council may amend this Chapter to reduce the amount of the tax authorized herein or to otherwise implement or advance the purpose and intent of this Chapter."

SECTION 2. If any section, subsection, sentence, clause or phrase of this ordinance or the application thereof to any person or circumstance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The People of the Town of Yucca Valley hereby declared that they would have passed each subsection, subdivision, paragraph, sentence, clause, or phrase thereof, irrespective of the fact that any one or more subsection, subdivision, paragraph, sentence, clause, or phrase be declared unconstitutional.

SECTION 3. The adoption of this ordinance is not a "project" subject to the requirements of the California Environmental Quality Act (CEQA) (Public Resources Code Section §§ 21000 et seq.). CEQA Guideline 15378(b)(4) provides that the creation of government funding mechanisms or other government fiscal activities that do not involve any commitment to a specific project that may result in a potentially significant physical impact on the environment are not projects subject to the requirements of CEQA.

I hereby certify that Ordinance No. 263 was passed, approved and adopted by the People of the Town of Yucca Valley, California, voting on the 8th day of November, 2016.


MAYOR

ATTEST:



TOWN CLERK

Ordinance No. 263 was submitted to the People of the Town of Yucca Valley at the November 8, 2016, general municipal election. It was approved by the following vote of the electors:

YES: 5,594

NO: 2,126

State of California)
County of San Bernardino)
Town of Yucca Valley)

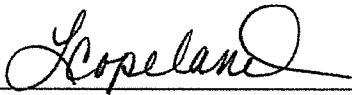
I, Lesley Copeland, Clerk of the Town of Yucca Valley, do hereby certify that the foregoing Ordinance was approved for placement on the ballot at the regular meeting of the Town of Yucca Valley Town Council on the 2nd day of August, 2016, and was passed by the following vote:

AYES: Council Members Abel, Denison, Huntington, Lombardo and Mayor Leone

NOES: None

ABSTAIN: None

ABSENT: None



Lesley Copeland, Town Clerk



Town of Yucca Valley

Ordinance 264

ORDINANCE NO. 264

AN ORDINANCE OF THE PEOPLE OF THE TOWN OF YUCCA VALLEY ADDING CHAPTER 3.28 TO THE YUCCA VALLEY MUNICIPAL CODE IMPOSING A SPECIAL PURPOSE TEMPORARY TRANSACTIONS AND USE TAX TO BE ADMINISTERED BY THE STATE BOARD OF EQUALIZATION, SUBJECT TO APPROVAL OF TWO-THIRDS OF THE ELECTORS VOTING ON THE TAX MEASURE AT THE GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 8, 2016.

WHEREAS, Revenue and Taxation Code section 7285.91 authorizes the governing body of any city to levy a transactions and use tax under Part 1.6 of the Revenue and Taxation Code, the proceeds of which are designated for a specific purpose; and

WHEREAS, Revenue and Taxation Code section 7285.91 requires the governing body of the city to adopt an ordinance proposing to levy a special purpose transactions and use tax by a two-thirds vote of the body, and then submit the ordinance to the voters for approval, which also must be by a two-thirds vote; and

WHEREAS, the Town Council and the People of the Town of Yucca Valley desire to adopt a transactions and use tax pursuant to Revenue and Taxation Code section 7285.91 for the purpose of subsidizing assessments being levied upon Town residents as a result of Town-wide sewer improvements; and

WHEREAS, According to various studies, the prolonged use of septic systems in Yucca Valley has resulted in the pollution of the local groundwater supply. Septic system discharge has been slowly degrading local water quality for decades. Nitrates and other contaminants from septic system discharge are currently reaching groundwater; and

WHEREAS, In an effort to address groundwater quality concerns, on March 10, 2016, the California Regional Water Quality Control Board ("CRWQCB") amended Resolution No. R7-2011-0004 with the adoption of a groundwater Basin Plan Amendment that prohibits septic tank discharges in Yucca Valley to protect groundwater quality as early as June 30, 2021 in Phase 1 and June 30, 2025 for Phases 2 & 3; and

WHEREAS, The Hi-Desert Water District ("HDWD") is constructing a sewer collection system and wastewater reclamation facility (the "Sewer Project") to assist property owners in complying with State's mandate. The Sewer Project will include:

- Approximately 78 miles of sewer main;
- Three pump stations;
- A wastewater treatment and reclamation facility;
- Replacing existing roads with new roads due to construction of the Sewer Project.

WHEREAS, Goals of the Sewer Project include, without limitation:

- To collect and treat local wastewater;
- To keep septic discharge out of the local water supply;
- To protect local water quality for future generations; and
- To give residents access to reliable and affordable sewer service

WHEREAS, The Sewer Project's completion would ensure compliance with State mandates, prevent local residents from being fined for continued septic discharge, and most importantly protect local groundwater; and

WHEREAS, The Sewer Project completion will enable restaurants, retail shops and other businesses to easily connect to sewer service, and will remove an infrastructure obstacle to new business development in the Town; and

WHEREAS, The Sewer Project is estimated to cost \$150 million and HDWD is financing the Sewer Project through a low-interest loan from the State Revolving Fund (the "Loan"). HDWD proposes to form two assessment districts and levy an assessment on all properties that will specially benefit from the Sewer Project. The proposed assessments include construction costs, interest on the Loan, and certain incidental and administrative expenses required in connection with the Loan. The proposed assessments allow property owners to finance the Sewer Project to ease the financial burden of complying with the CRWQCB's prohibition and to construct the Sewer Project to protect the local groundwater supply; and

WHEREAS, Three benefit areas (phases) were established based upon the proportionate special benefits that properties will receive from the sewer system as a whole. While properties in Phase 1 will connect to the Sewer Project and begin receiving service when the first phase of construction is complete, properties in Phases 2 and 3 will connect at a later time. These later connecting properties identified in Phases 2 and 3 will also receive special benefits from Phase 1 of the Sewer Project and will be paying for their share of the treatment facilities and sewer lines that they will use in the future. Because they are connecting at a later date, their first assessment for Phase 1 is smaller and a second assessment district will be proposed for these properties to secure funding to construct Phase 2 and 3 of the Sewer Project; and

WHEREAS, On May 13, 2015, property owners approved forming Assessment District 2014-1 by mail-in ballot to finance the cost to construct Phase 1 of the Sewer Project, with the need for a subsequent assessment district formation or annexation by vote at a later date to secure funding to fully construct Phases 2 and 3; and

WHEREAS, The Sewer Project assessments will be levied and be a lien on privately and publicly owned properties for 30 years. The assessments will vary by property classification, but in all cases will entail a significant financial contribution from the property owners of the Town of Yucca Valley, with some single family residents being required to pay approximately \$700.00 per year, with commercial properties and other high-flow properties subject to significantly higher costs; and

WHEREAS, Although the need for the Sewer Project is critical, some residents and property owners in the Town may suffer substantial financial hardship as a result of the Sewer Project assessments and connection costs described above; and

WHEREAS, The Town has heard a great deal from the community about the desire to reduce the cost of the sewer assessment for local residents and received valuable input from the community through the Town's Strategic Planning Outreach activities; and

WHEREAS, For the past year, members of the Citizens for Lower Sewer Costs Committee, and other community members, have been working with the Town to identify and evaluate potential local revenue options to lower the cost of the sewer assessment for residents; and

WHEREAS, The Citizens for Lower Sewer Costs Committee, along with other community members and Town staff, have concluded that the best option available to the Town to lower the cost of the sewer assessment is a one-half cent sales tax measure; and

WHEREAS, The Citizens for Lower Sewer Costs Committee recommends the Town Council place a one-half cent sales tax measure to lower sewer assessment cost on the November 2016 ballot for voters' consideration; and

WHEREAS, To facilitate the Sewer Project and subsidize assessments associated with the Sewer Project, the Town Council of the Town of Yucca Valley desires to place a special purpose transactions and use (sales) tax ordinance, as authorized by Revenue and Taxation Code section 7285.91 and attached hereto as Exhibit A, as a measure before the voters at the November 8, 2016 election consolidated with the general municipal election of that date. This tax shall be a special tax, the revenues of which shall only be used to lower individual property assessments in all three phases of the Sewer Project; and

WHEREAS, The proposed sewer measure is a special purpose measure that requires by law that all measure funds are spent on reducing the costs of the sewer system for residents and funds from the measure cannot be redirected or taken for other uses by the Town Council; and

WHEREAS, The proposed sewer measure will reduce the cost to taxpayers for funding the sewer system by up to 30 percent per year; and

WHEREAS, The proposed sewer measure requires by law that all funds are spent locally in Yucca Valley to equitably reduce the costs of the sewer system for all residents; and

WHEREAS, The proposed sewer measure is subject to review by an independent citizens' oversight committee, mandatory financial audits, and regular reports to the community to ensure the funds are spent as promised; and

WHEREAS, The tax, if approved, would be imposed on the sale of tangible personal property and the storage, use, or other consumption of such property, at a rate of one-half cent per dollar (0.5%). The tax revenue would be collected by the State Board of Equalization and remitted to the Town for dedication towards the lowering of Sewer Project assessments; and

WHEREAS, The proposed measure is a special purpose Sewer Project measure that requires by law that all its proceeds be spent to lower Sewer Project assessment rates, either directly or through contribution towards direct Sewer Project costs, and cannot be redirected or taken by the Town Council for other uses. The proposed special tax would equitably subsidize

Sewer Project assessments and costs in all phases of the Project in the existing Assessment District 2014-1, inclusive of any annexations into Assessment District 2014-1 for the eventual completion of Phases 2 & 3. Should a new assessment district be established in lieu of annexation into the existing Assessment District 2014-1 for the primary purpose of the completion of Phases 2 & 3 of the Sewer Project, the proposed special tax would be applied equally toward the gross total assessment of all assessment districts, as if the assessment districts were one. As a special purpose tax, the proposed measure can only be approved if it receives at least a two-thirds vote at the general municipal election to be held on November 8, 2016; and

WHEREAS, If approved by the voters, such tax would be administered and distributed in accordance with a legal and binding agreement entered into between the Town of Yucca Valley and the HDWD, which would specify an expenditure method ensuring that special tax proceeds are utilized to lower assessments associated with the Sewer Project. It is contemplated that such agreement would lower citizen assessments by dedicating the special tax proceeds to the annual debt service on the Loan secured by Assessment District 2014-1, with an administrative cost not to exceed five (5) percent. Further such agreement would require the annual reporting and notification to affected property owners by the HDWD of the assessment reduction that is attributable to the proceeds of the special tax; and

WHEREAS, A general municipal election on Tuesday, November 8, 2016, has been called by Resolution No. 16-15, adopted on June 7, 2016; and

WHEREAS, On the basis of the foregoing, the Town Council held a noticed public hearing on August 2, 2016, and the Town Council hereby determines it is appropriate to place the special tax measure before the voters at the November 8, 2016, general municipal election.

NOW THEREFORE, on the basis of the foregoing, the People of the Town of Yucca Valley at the November 8, 2016, general municipal election do hereby Ordain as follows:

SECTION 1. A new Chapter 3.28 is hereby added to the Yucca Valley Municipal Code to read as follows:

“Chapter 3.28”

SEWER IMPLEMENTATION AND ASSESSMENT ASSISTANCE
TRANSACTIONS AND USE TAX

3.28.010: SHORT TITLE:

This Chapter shall be known as the Town of Yucca Valley Sewer Implementation and Assessment Assistance Transactions and Use Tax Ordinance. This Chapter shall be applicable only in the incorporated territory of the Town.

3.28.020: BASIC DEFINITIONS:

A. As used in this Chapter, "Town" means the Town of Yucca Valley and "tax" means the temporary transactions and use tax (special tax) imposed under the provisions of this Chapter. The tax imposed in this Chapter is a special

tax, the funds of which shall be dedicated towards those sewer implementation purposes described in Section 3.28.090.

B. As used in this Chapter, "Hi-Desert Water District" means that county water district by the same name organized and operating pursuant to the provisions of the County Water District Law, Water Code §§ 30000 *et seq.*

C. As used in this Chapter, "Sewer Project" means that Town-wide conversion of septic systems to a sewer collection system and construction of wastewater reclamation facilities, recharge ponds and appurtenances, all as undertaken by the Hi-Desert Water District in response to California Regional Water Quality Control Board Resolution No. R7-2011-0004 adopted on May 19, 2011.

D. As used in this Chapter, "Assessment" means all assessed rates levied in the Town pursuant to the provisions of the "Municipal Improvement Act of 1913" (being Division 12 of the Streets and Highways Code of the State of California, commencing with Section 10000), for purposes of financing the costs constructing the Sewer Project, including rates adopted for Assessment District 2014-1 and subsequent assessment districts formed or annexed by vote in relation thereto.

3.28.030: OPERATIVE DATE:

"Operative Date" means the first day that the tax is imposed. The "operative date" means the first day of the first calendar quarter commencing more than 110 days after the effective date of this Chapter, such effective date being as set forth below.

3.28.040: GENERAL PURPOSE:

This Chapter is adopted to achieve the following, among other purposes, and directs that the provisions hereof be interpreted in order to accomplish those purposes:

A. To impose a special, temporary retail transactions and use tax in accordance with the provisions of Part 1.6 (commencing with Section 7251) of Division 2 of the Revenue and Taxation Code and Section 7285.91 of Part 1.7 of Division 2, which authorizes the Town to adopt this special tax ordinance, which shall be operative if two-thirds of the electors voting on the measure vote to approve the imposition of the tax at an election called for that purpose.

B. To adopt a temporary retail transactions and use tax (special tax) ordinance that incorporates provisions identical to those of the Sales and Use Tax Law of the State of California insofar as those provisions are not inconsistent with the requirements and limitations contained in Part 1.6 of Division 2 of the Revenue and Taxation Code.

C. To adopt a temporary retail transactions and use tax ordinance that imposes a special tax and provides a measure therefore that may be administered and collected by the State Board of Equalization in a manner that adapts itself as fully as practicable to, and requires the least possible deviation from, the existing statutory and administrative procedures followed by the State Board of Equalization in administering and collecting the California State Sales and Use Taxes.

D. To adopt a special, temporary retail transactions and use tax ordinance that may be administered in a manner that will be, to the greatest degree possible, consistent with the provisions of Part 1.6 of Division 2 of the Revenue and Taxation Code, minimize the cost of collecting the transactions and use taxes, and at the same time, minimize the burden of record keeping upon persons subject to taxation under the provisions of this ordinance.

3.28.050: CONTRACT WITH STATE:

Prior to the operative date, the Town shall contract with the State Board of Equalization to perform all functions incident to the administration and operation of this special transactions and use tax ordinance; provided however, that if the Town shall not have contracted with the State Board of Equalization prior to the operative date, it shall nevertheless so contract and in such a case the operative date shall be the first day of the first calendar quarter following the execution of such a contract.

3.28.060: IMPOSITION OF TRANSACTIONS TAX; TRANSACTIONS TAX RATE:

For the privilege of selling tangible personal property at retail, a tax is hereby imposed upon all retailers in the incorporated territory of the Town at the rate of one-half cent per dollar (0.5%) of the gross receipts of any retailer from the sale of all tangible personal property sold at retail in said territory on and after the operative date of this Chapter.

3.28.070: PLACE OF SALE:

For the purposes of this Chapter, all retail sales are consummated at the place of business of the retailer unless the tangible personal property sold is delivered by the retailer or his agent to an out-of-state destination or to a common carrier for delivery to an out-of-state destination. The gross receipts from such sales shall include delivery charges, when such charges are subject to the State sales and use tax, regardless of the place to which delivery is made. In the event a retailer has no permanent place of business in the State or has more than one place of business, the place or places at which the retail sales are consummated shall be determined under rules and regulations to be prescribed and adopted by the State Board of Equalization.

3.28.080: USE TAX RATE:

An excise tax is hereby imposed on the storage, use or other consumption in the Town of tangible personal property purchased from any retailer on and after the operative date of this Chapter for storage, use or other consumption in said territory at the rate of one-half cent per dollar (0.5%) of the sales price of the property. The sales price shall include delivery charges when such charges are subject to State sales or use tax regardless of the place to which delivery is made.

3.28.090: SPECIAL PURPOSE; DEDICATION OF TAX PROCEEDS TOWARDS SEWER IMPLEMENTATION; LOWERING OF CITIZEN SEWER ASSESSMENTS:

A. The tax established by this Chapter is a special tax, the proceeds of which are dedicated towards subsidizing those Assessments levied upon Town citizens for Sewer Project implementation.

B. Revenue and Taxation Code section 7285.91 requires that this ordinance include "an expenditure plan describing the specific projects for which the revenues from the tax may be expended." All revenue from the tax shall be restricted revenue, expended solely to fund the Sewer Project in such a manner as to lower Sewer Project Assessments levied upon citizens in the Town of Yucca Valley. The Town shall negotiate an agreement with the Hi-Desert Water District under which Town will remit payments of the tax proceeds towards the Sewer Project on an agreed-upon basis, subject to the following terms:

1. The Town's allocation of the tax proceeds towards the Sewer Project shall be credited towards Sewer Project Assessments imposed upon Town citizens,

2. The tax proceeds shall be credited towards Sewer Project Assessments equitably amongst all Assessment payers in all Sewer Project phases, such that all Assessment payers will receive the same pro-rata percentage decrease in their Assessments,

3. The tax proceeds shall not be used to pay for any Sewer Project services or improvements already provided by a governmental or private entity or in a manner that would diminish or replace services provided by the Hi-Desert Water District,

4. The tax proceeds may be used to pay for the Town's costs associated with those independent audits, special fund management and administrative costs associated with the tax required by this Chapter, excepting that payment of administrative costs shall not exceed five (5) percent of the annual tax proceeds in any annual period, and

5. The Town's expenditure of tax proceeds shall be made on a regular basis on a frequency to be determined by Town and in conformance with the State Board of Equalization's allocation of such proceeds to the Town.

In the event the Town and Hi-Desert Water District are unable to reach mutual agreement upon the foregoing terms, the Town shall undertake an alternative method of utilizing the tax proceeds to directly achieve lower Assessments in an equitable manner for all Sewer Project phases, in accord with the foregoing expenditure terms (1) through (5). In any event, any expenditure of tax proceeds shall be undertaken for the sole purpose of decreasing or subsidizing Assessments equitably in all Sewer Project phases.

C. When received by the Town, the proceeds resulting from the transactions and use tax imposed by this Chapter shall be deposited into a special fund established by the Town as the "Sewer Project Assessment Assistance Fund". The Town's independent auditors shall complete a report reviewing the collection, management and expenditure of revenue from the tax levied by this Chapter. The independent auditor's report shall include an accounting of the revenues received and expenditures made from the Sewer Project Assessment Assistance Fund annually to the Town Council and made available for public review. The Town Council shall, as part of the Town's regular budget process, annually review, direct and adopt an expenditure plan for the Sewer Project Assessment Assistance Fund, applying the proceeds of the transactions and use tax consistent with the requirements of this Chapter. In no event shall the Town Council have authority to direct a use of tax proceeds that is inconsistent with the purposes expressed in this Chapter.

3.28.100: ADOPTION OF PROVISIONS OF STATE LAW:

Except as otherwise provided in this Chapter and except insofar as they are inconsistent with the provisions of Part 1.6 of Division 2 of the Revenue and Taxation Code, all of the provisions of Part 1 (commencing with Section 6001) of Division 2 of the Revenue and Taxation Code are hereby adopted and made a part of this Chapter as though fully set forth herein.

3.28.110: LIMITATIONS ON ADOPTION OF STATE LAW AND COLLECTION OF USE TAXES:

In adopting the provisions of Part 1 of Division 2 of the Revenue and Taxation Code:

A. Wherever the State of California is named or referred to as the taxing agency, the name of the Town shall be substituted therefore. However, the substitution shall not be made when:

1. The word "State" is used as a part of the title of the State Controller, State Treasurer, State Board of Equalization, State Treasury, or the Constitution of the State of California.

2. The result of that substitution would require action to be taken by or against this Town or any agency, officer, or employee thereof rather

than by or against the State Board of Equalization, in performing the functions incident to the administration or operation of this Chapter.

3. In those sections, including, but not necessarily limited to, sections referring to the exterior boundaries of the State of California, where the result of the substitution would be to:

- i. Provide an exemption from this tax with respect to certain sales, storage, use or other consumption of tangible personal property, which would not otherwise be exempt from this tax while such sales, storage, use or other consumption remain subject to tax by the State under the provisions of Part 1 of Division 2 of the Revenue and Taxation Code, or
- ii. Impose this tax with respect to certain sales, storage, use or other consumption of tangible personal property, which would not be subject to tax by the State under the said provision of that code.

4. In Sections 6701, 6702 (except in the last sentence thereof), 6711, 6715, 6737, 6797 or 6828 of the Revenue and Taxation Code.

B. The word "Town" shall be substituted for the word "State" in the phrase "retailer engaged in business in this State" in Section 6203 and in the definition of that phrase in Section 6203 of the Revenue and Taxation Code.

3.28.120: PERMIT NOT REQUIRED:

If a seller's permit has been issued to a retailer under Section 6067 of the Revenue and Taxation Code, an additional transactor's permit shall not be required by this Chapter.

3.28.130: EXEMPTIONS AND EXCLUSIONS:

A. There shall be excluded from the measure of the special transactions tax and the use tax the amount of any sales tax or use tax imposed by the State of California or by any city, city and county, or county pursuant to the Bradley-Burns Uniform Local Sales and Use Tax Law or the amount of any state-administered transactions or use tax.

B. There are exempted from the computation of the amount of special transactions tax the gross receipts from:

1. Sales of tangible personal property, other than fuel or petroleum products, to operators of aircraft to be used or consumed principally outside the county in which the sale is made and directly and exclusively in the

use of such aircraft as common carriers of persons or property under the authority of the laws of this State, the United States, or any foreign government.

2. Sales of property to be used outside the Town which is shipped to a point outside the Town, pursuant to the contract of sale, by delivery to such point by the retailer or his agent, or by delivery by the retailer to a carrier for shipment to a consignee at such point. For the purposes of this paragraph, delivery to a point outside the Town shall be satisfied:

- i. With respect to vehicles (other than commercial vehicles) subject to registration pursuant to Chapter 1 (commencing with Section 4000) of Division 3 of the Vehicle Code, aircraft licensed in compliance with Section 21411 of the Public Utilities Code, and undocumented vessels registered under Division 3.5 (commencing with Section 9840) of the Vehicle Code by registration to an out-of-Town address and by a declaration under penalty of perjury, signed by the buyer, stating that such address is, in fact, his or her principal place of residence; and
- ii. With respect to commercial vehicles, by registration to a place of business out-of-Town and declaration under penalty of perjury, signed by the buyer, that the vehicle will be operated from that address.

3. The sale of tangible personal property if the seller is obligated to furnish the property for a fixed price pursuant to a contract entered into prior to the operative date of this Chapter.

4. A lease of tangible personal property which is a continuing sale of such property, for any period of time for which the lessor is obligated to lease the property for an amount fixed by the lease prior to the operative date of this Chapter.

5. For the purposes of subparagraphs (3) and (4) of this section, the sale or lease of tangible personal property shall be deemed not to be obligated pursuant to a contract or lease for any period of time for which any party to the contract or lease has the unconditional right to terminate the contract or lease upon notice, whether or not such right is exercised.

C. There are exempted from the special use tax imposed by this Chapter, the storage, use or other consumption in this Town of tangible personal property:

1. The gross receipts from the sale of which have been subject to a transactions tax under any State-administered transactions and use tax ordinance.

2. Other than fuel or petroleum products purchased by operators of aircraft and used or consumed by such operators directly and exclusively in the use of such aircraft as common carriers of persons or property for hire or compensation under a certificate of public convenience and necessity issued pursuant to the laws of this State, the United States, or any foreign government. This exemption is in addition to the exemptions provided in Sections 6366 and 6366.1 of the Revenue and Taxation Code of the State of California.

3. If the purchaser is obligated to purchase the property for a fixed price pursuant to a contract entered into prior to the operative date of this Chapter.

4. If the possession of, or the exercise of any right or power over, the tangible personal property arises under a lease which is a continuing purchase of such property for any period of time for which the lessee is obligated to lease the property for an amount fixed by a lease prior to the operative date of this Chapter.

5. For the purposes of subparagraphs (3) and (4) of this section, storage, use, or other consumption, or possession of, or exercise of any right or power over, tangible personal property shall be deemed not to be obligated pursuant to a contract or lease for any period of time for which any party to the contract or lease has the unconditional right to terminate the contract or lease upon notice, whether or not such right is exercised.

6. Except as provided in subparagraph (7), a retailer engaged in business in the Town shall not be required to collect use tax from the purchaser of tangible personal property, unless the retailer ships or delivers the property into the Town or participates within the Town in making the sale of the property, including, but not limited to, soliciting or receiving the order, either directly or indirectly, at a place of business of the retailer in the Town or through any representative, agent, canvasser, solicitor, subsidiary, or person in the Town under the authority of the retailer.

7. "A retailer engaged in business in the Town" shall also include any retailer of any of the following: vehicles subject to registration pursuant to Chapter 1 (commencing with Section 4000) of Division 3 of the Vehicle Code, aircraft licensed in compliance with Section 21411 of the Public Utilities Code, or undocumented vessels registered under Division 3.5 (commencing with Section 9840) of the Vehicle Code. That retailer shall be required to collect use tax from any purchaser who registers or licenses the vehicle, vessel, or aircraft at an address in the Town.

D. Any person subject to use tax under this Chapter may credit against that tax any transactions tax or reimbursement for transactions tax paid to a district imposing, or retailer liable for a transactions tax pursuant to Part 1.6 of

Division 2 of the Revenue and Taxation Code with respect to the sale to the person of the property the storage, use or other consumption of which is subject to the use tax.

3.28.140: CHANGES IN LAW:

All amendments subsequent to the effective date of this Chapter to Part 1 of Division 2 of the Revenue and Taxation Code relating to sales and use taxes and which are not inconsistent with Part 1.6 and Part 1.7 of Division 2 of the Revenue and Taxation Code, and all amendments to Part 1.6 and Part 1.7 of Division 2 of the Revenue and Taxation Code, shall automatically become a part of this Chapter, provided however, that no such amendment shall operate so as to affect the rate of tax imposed by this Chapter.

3.28.150: ENJOINING COLLECTION FORBIDDEN:

No injunction or writ of mandate or other legal or equitable process shall issue in any suit, action or proceeding in any court against the State or the Town, or against any officer of the State or the Town, to prevent or enjoin the collection under this Chapter, or Part 1.6 of Division 2 of the Revenue and Taxation Code, of any tax or any amount of tax required to be collected.

3.28.180: EFFECTIVE DATE:

This Chapter levying the special tax described herein shall be effective ten (10) days after the date on which the Town Council has declared that the voters of the Town of Yucca Valley have approved the Chapter by a vote of no less than two-thirds of the votes cast by the electors voting on the tax measure set forth in this Chapter at that general municipal election to be held on Tuesday, November 8, 2016.

3.28.190: TERMINATION DATE:

The authority to levy the special tax imposed by this Chapter shall expire ten (10) years from the operative date.

3.28.200: CITIZEN SPECIAL TAX OVERSIGHT COMMITTEE:

An Independent Citizens' Special Tax Oversight Committee appointed by the Town Council shall review the expenditures of revenues generated by the tax imposed by this Chapter, confirm that expenditures are undertaken for the specified purposes to which the tax proceeds are dedicated under this Chapter, and make the results of such review publicly available. Such Committee shall meet and be subject to all provisions of the Ralph M. Brown Act, Government Code Sections 54950 et seq.

3.28.210: PENALTIES:

Without limiting any remedies available at law or equity, any person violating any of the provisions of this Chapter shall be deemed guilty of a misdemeanor.

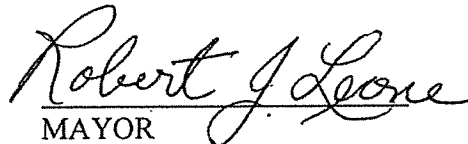
3.28.220: AMENDMENTS:

The tax rate in this Chapter may only be increased by a vote of the people of the Town of Yucca Valley; provided, however, that the Town Council may amend this Chapter to reduce the amount of the tax authorized herein or to otherwise implement or advance the purpose and intent of this Chapter.”

SECTION 2. If any section, subsection, sentence, clause or phrase of this ordinance or the application thereof to any person or circumstance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The People of the Town of Yucca Valley hereby declared that they would have passed each subsection, subdivision, paragraph, sentence, clause, or phrase thereof, irrespective of the fact that any one or more subsection, subdivision, paragraph, sentence, clause, or phrase be declared unconstitutional.

SECTION 3. The adoption of this ordinance is not a "project" subject to the requirements of the California Environmental Quality Act (CEQA) (Public Resources Code Section §§ 21000 et seq.). CEQA Guideline 15378(b)(4) provides that the creation of government funding mechanisms or other government fiscal activities that do not involve any commitment to a specific project that may result in a potentially significant physical impact on the environment are not projects subject to the requirements of CEQA.

I hereby certify that Ordinance No. 264 was passed, approved and adopted by the People of the Town of Yucca Valley, California, voting on the 8th day of November, 2016.


MAYOR

ATTEST:



TOWN CLERK

Ordinance No. 264 was submitted to the People of the Town of Yucca Valley at the November 8, 2016, general municipal election. It was approved by the following vote of the electors:

YES: 6,281

NO: 1,450

State of California)
County of San Bernardino)
Town of Yucca Valley)

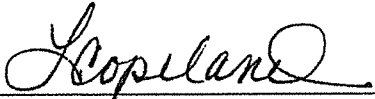
I, Lesley Copeland, Clerk of the Town of Yucca Valley, do hereby certify that the foregoing Ordinance was approved for placement on the ballot at the regular meeting of the Town of Yucca Valley Town Council on the 2nd day of August, 2016, and was passed by the following vote:

AYES: Council Members Abel, Denison, Huntington, Lombardo and Mayor Leone

NOES:

ABSTAIN:

ABSENT:



Lesley Copeland, Town Clerk

Town of Yucca Valley

Ordinance 265

ORDINANCE NO 265

**AN ORDINANCE OF THE TOWN OF YUCCA VALLEY, CALIFORNIA ADDING
CHAPTER 4.14 TO THE YUCCA VALLEY MUNICIPAL CODE, RELATING TO THE
ESTABLISHMENT OF THE REVENUE MEASURE OVERSIGHT COMMISSION**

Town Attorney's Summary

This ordinance establishes a seven (7)-member Revenue Measure Oversight Commission appointed by the Town Council to review and make recommendations to the Town Council on the use of funds generated by the implementation of Measure "Y", a temporary 0.5% general transactions and use tax for town essential services, and Measure "Z", a temporary 0.5% special transactions and use tax for sewer assessment reduction.

The Council of the Town of Yucca Valley finds:

- A. Pursuant to Article XIII C of the Constitution of the State of California, the Town Council ordered Measure "Y" to be submitted to the qualified electors of the Town at the November 8, 2016 General Municipal Election on whether to approve a ½ cent (0.5%) transactions and use tax for a period of ten (10) years.
- B. Pursuant to Article XIII C of the Constitution of the State of California, the Town Council ordered Measure "Z" to be submitted to the qualified electors of the Town at the November 8, 2016 General Municipal Election on whether to approve a ½ cent (0.5%) transactions and use tax for a period of ten (10) years.
- C. Measure "Y" was approved by the Town's qualified electors, where the Town Council desires that a commission of the Town provide oversight of the use of the proceeds generated from the tax.
- D. Measure "Z" was approved by the Town's qualified electors, where the Town Council desires that a commission of the Town provide oversight of the use of the proceeds generated from the tax.

The Council of the Town of Yucca Valley ordains:

CHAPTER 4.14

REVENUE MEASURE OVERSIGHT COMMISSION

SECTION:

- 4.14.010: Creation
- 4.14.020: Term; Vacancies; Vote
- 4.14.030: Officers
- 4.14.040: Membership
- 4.14.050: Meetings; Rules of Procedure
- 4.14.060: Powers and Duties of the Commission

4.14.010 REVENUE MEASURE COMMISSION CREATED:

There is created a Revenue Measure Oversight Commission consisting of seven (7) members, appointed by the Town Council to serve at the pleasure of the Town Council.

4.14.020 TERM; VACANCIES; VOTE

- A. Members of the Commission shall serve the term provided by the Town's Manual of Procedural Guidelines, except that in order to ensure a stagger of appointees, the initial appointments shall be for staggered terms as determined by the Town Clerk.
- B. A vacancy in the Commission shall not impair the right of the remaining members to exercise the powers of the Commission pursuant to this chapter. Four (4) members shall constitute a quorum of the Commission and any ruling, decision or other action of the Commission may be taken by a majority of those members present, provided a quorum is present.

4.14.030 OFFICERS

The Commission, at its organization meeting and as needed thereafter, shall elect from its membership a chair and vice-chair. The chair and vice-chair shall have and perform such duties as commonly associated with the respective titles and specific adherence to the Town's Manual of Procedural Guidelines. The Town Manager may appoint a secretary and other staff and provide such compensation for their services as may be authorized by the Town Council and by the annual town budget of expenditures.

4.14.040 MEMBERSHIP

Should any vacancy occur among the members of the Commission other than by expiration, the chairperson shall forward a notice to the mayor and members of the Town Council indicating that such a vacancy exists. The Town Council shall fill the vacancy in accordance with the provisions of the Manual for Procedural Guidelines.

4.14.050 MEETINGS; RULES OF PROCEDURE

The Commission shall meet at least twice annually at such place and time as shall be fixed by the Commission by its standing rules. A majority of the existing appointed members of the Commission shall constitute a quorum for the transaction of business. In matters relating to the holding of regular and special meetings, the Commission and any standing committee of the Commission, is bound by the provisions of the Ralph M. Brown Act of the State of California (Sections 54950, *et. seq.*, California Government Code).

4.14.060 POWERS AND DUTIES OF THE COMMISSION

Within the limitations provided by law, the Revenue Measure Oversight Commission shall review the projected revenues and recommended expenditures for the funds generated by Chapter 3.26 and/or Chapter 3.28 of this Code and shall make recommendations to the Town Council as a part of the Town's annual budget process. The Commission shall have the following powers and duties:

1. Establish a schedule of regular meeting times
2. Make recommendations to the Town Council regarding:
 - a. Programs and projects proposed to be funded in whole or in part by Measure "Y" and/or Measure "Z" revenues;
 - b. Oversee and monitor expenditures of all Measure "Y" and/or Measure "Z" funds, after the Town Council has approved any program or project with Measure "Y" and/or Measure "Z" funds;
 - c. Review the annual independent audit of revenues received by and expenditures from Measure "Y" and/or Measure "Z" funds prior to the audit's presentation to the Council;
 - d. Review the Finance Manager's estimate of Measure "Y" revenues for each fiscal year prior to the Council adoption of the annual General Fund Budget.
 - e. Review the Finance Manager's estimate of Measure "Z" revenues for each fiscal year prior to the Council adoption of the Special Fund Budget
3. Perform such other duties as the Town Council may assign.

SECTION 2.

1. The Town Council recognizes that the passage of Measure "Y", a general tax measure will result in additional general tax revenues that the Town can use for any governmental use or purpose as allowed by the Yucca Valley Municipal Code and the laws of the State of California. It is the desire of the Town Council that revenues attributed to Measure "Y" should be used for projects, programs, services, and other opportunities that have been or would be unfunded or underfunded under current and anticipated budget restrictions.
2. The Town Council recognizes that the passage of Measure "Z", a special tax measure will result in additional special revenues that the Town must specifically use toward the reduction of the Sewer Assessments equitably among all phases.

The Town Council therefore finds that the creation and implementation of the Revenue Measure Oversight Commission will ensure that the proceeds of Measure "Y" and/or Measure "Z" are used for projects, programs, and services that are beneficial for, and will maintain and/or improve the overall quality of life of the residents of the Town of Yucca Valley.

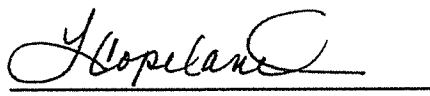
SECTION 3. The Mayor shall sign and the Town Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same, or the summary thereof, to be published and posted pursuant to the provisions of law and this Ordinance shall take effect thirty (30) days after passage or the date on which the Town Council certifies voter approval of Measure "Y" and Measure "Z" whichever occurs last.

APPROVED AND ADOPTED THIS 7th day of February, 2017.



MAYOR

ATTEST:



TOWN CLERK

STATE OF CALIFORNIA

COUNTY OF SAN BERNARDINO

TOWN OF YUCCA VALLEY

I, Lesley R. Copeland, Town Clerk of the Town of Yucca Valley, California hereby certify that the foregoing Ordinance No. 265 as duly and regularly introduced at a meeting of the Town Council on the 17th day of January, 2017, and that thereafter the said ordinance was duly and regularly adopted at a meeting of the Town Council on the 7th day of February, 2017, by the following vote, to wit:

Ayes:	Council Members Denison, Drozd, Lombardo and Mayor Abel
Noes:	None
Abstain:	None
Absent:	Council Member Leone

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the Town of Yucca Valley, California, this 8th day of February, 2017.



Town Clerk of the Town of
Yucca Valley

Town of Yucca Valley
Summary of Guidelines

Town of Yucca Valley Measure Y and Z Oversight Commission

Summary of Guidelines and Selection Process



Reviewed and Approved

February 7, 2017

Town of Yucca Valley Measure Y and Z Oversight Commission Summary

Approved February 7, 2017

Whereas the Measure Y and Z Oversight Commission is authorized by Ordinance 265 to be established, elect officers and abide by the rules and administrative procedures consistent with the Manual of Procedural Guidelines for the Town of Yucca Valley, the following summary is provided as a framework for the initial creation and implementation of the Oversight Commission. The following represents a summary of the operation of the Measure Y and Z Oversight Commission, and are provided for convenience only. Final interpretation, implementation and operation of the Commission will be guided by Ordinance 265 and the Town's Manual of Procedural Guidelines.

COMMISSIONERS

Expectations

Commissioners are expected to:

- Attend regularly scheduled Commission Meetings
- Attend and participate in community meetings, forums and other events as scheduled by the Commission
- Volunteer to serve on sub-Commissions as needed
- Respond in a timely manner to communications that require a response
- Act as informal liaisons to the community, to listen to concerns, get input and feedback on Commission recommendations
- Conform to the Town's Manual of Procedural Guidelines for commissioners and comply with the State of California's rules and regulations regarding conflict of interest laws, ethics training, harassment training and other state rules and regulations.

Terms of Office

Members of the Commission are appointed in accordance with the Town's Manual of Procedural Guidelines and Ordinance 265.

Resignation

A Commissioner who wishes to resign from the Commission shall notify the Commission Chair, who will then forward a notice to the mayor and members of the Town council. The Town Council shall fill the vacancy in accordance with the provisions of the Manual of Procedural Guidelines, considering the intent of the guidelines as presented in this document.

Removal of Commissioners

In accordance with the Town's Manual of Procedural Guidelines, a commissioner may be removed from office at any time, with or without cause, by a majority vote of the Town Council.

OFFICERS

Election of Officers

The Commission shall elect from its membership, a chair and vice-chair. The chair and vice-chair shall have and perform such duties as commonly associated with the respective titles and specific adherence to the Town's Manual of Procedural Guidelines.

The Chair shall act as the official spokesperson for the Commission on official Commission recommendations to the Town Council.

MEETINGS

Time and Place

The Commission shall meet at least twice annually at such place and time as shall be fixed by the Commission by its standing rules. A majority of the existing appointed members of the Commission shall constitute a quorum for the transaction of business. In matters relating to the holding of regular and special meetings, the Commission and any standing Commission of the Commission, is bound by the provisions of the Ralph M. Brown Act of the State of California (Sections 54950, et. seq., California Government Code).

Special Meetings

Special meetings of the Commission shall be held upon the call of the Commission Chair or Vice-Chair. Special meetings shall be called for a specific purpose or purposes and shall not take the place of a regular Commission meeting unless so determined at a prior regular meeting.

Town Staff Support

As provided in the Town Budget, the Town Council authorizes the Town Manager to appoint a secretary and other staff as needed to support and assist the Commission as appropriate.

DECISION MAKING

Decisions shall be made by group consensus whenever possible. In the event that consensus cannot be reached, a vote with a simple majority of those present will prevail.

The Commission acknowledges that the recommendations made by the Commission to the Town Council may or may not be acted upon. In these instances, Commission members must respond to those actions, or inactions, in a respectful manner, understanding that the Town Council must consider all aspects of Town operations in their final actions.

Measure Y and Z Oversight Commission Selection Criteria and Framework

Oversight Commission Representation

It is the stated goal of the Town Council that the Oversight Commission represents a broad cross-section of the Town's residents, so as to encourage wide-ranging input into the Oversight Commission's recommendations to the Town Council. While retaining final appointing authority in accordance with the Town's Manual of Procedural Guidelines, the Town Council will consider the following objectives in the appointment of Commission members.

- Commission membership should represent a wide cross-section of Town Residents
- Commission membership should reflect a mix of residents that can bring various perspectives to the commission.
- Understanding that the Town is comprised of any number of constituencies, Commission membership should reflect representation of as many of the constituent bases as practical, while understanding that is not possible to represent every constituent base.
- As vacancies and new appointments occur to the Commission, these objectives should remain as an overall goal of Commission membership.

Ad Hoc Commission Initial Screening of Applicants

The Town Council is providing the following criteria and framework to assist the current ad hoc Commission with a clear and concise screening process, through which the Town Council can make final appointments to the Oversight Commission. All appointments will be made consistent with the Town's Manual of Procedural Guidelines, and will be made upon a majority vote of the Town Council. While the ad hoc Commission will assist the Town Council in the initial screening of Commission applicants, the Town Council retains appointing authority. The following guidelines are provided to assist the ad hoc Commission in the initial screening process.

Selection of Oversight Commission Members

The following items should be considered for each potential candidate in order to increase the Commission's potential for success and productivity.

- Demonstrated Commitment to the Town through civic involvement, service club involvement, or other community benefit volunteerism.
- Basic understanding of the Town's functions, responsibilities, and scope of authority.
- Familiarity of Town history impacting Town infrastructure and public safety.

- Basic ability to understand Town infrastructure programs and assets.
- Desire to gain a thorough understanding of the Town's Public Safety needs and the balance of resources necessary to meet those needs.
- Basic ability to understand municipal finance, and how Town departments function in relation to each other.
- A general understanding of the Hi Desert Water District's wastewater project within the Town, and the financial structure in place to fund the effort.
- A desire to assist the community in recommending priorities related to infrastructure, public safety and quality of life needs within the Community.

Applicants should be required to submit the following:

- A completed Town Commission/Commission application package, in the time frames established by the Town Clerk and approved by the Town Council.
- A supplemental cover letter that describes in more detail the motivation behind the desire to serve the community on this Oversight Commission.

REVENUE MEASURE OVERSIGHT COMMISSION STAFF REPORT

To: Revenue Measure Oversight Commissioners
From: Lesley Copeland, Town Clerk
Date: May 4, 2017
For Council Meeting: May 8, 2017

Subject: Selection of Commission Chairperson

Recommendation: That the Revenue Measure Oversight Commission nominates a Commissioner to serve as Chairperson

Order of Procedure:

- Request Staff Report
- Request Public Comment
- Council Discussion/Questions of Staff
- Motion/Second
- Discussion on Motion
- Call the Question

Discussion:

As a routine matter, the Revenue Measure Oversight Commission shall elect from its membership a chairperson. The chairperson shall have and perform such duties as commonly associated with the title and specific adherence to the Town's Manual of Procedural Guidelines.

The Commission chairperson shall also act as the official spokesperson for the Commission on official Commission recommendations to the Town Council.

Alternatives: None

Fiscal impact: None

Attachments: Page excerpt- Manual of Procedural Guidelines
Page excerpt- Revenue Measure Oversight Comm. Guidelines

Reviewed By: _____

_____	_____	_____	_____
Town Manager	Town Attorney	Finance Manager	Department

_____ Department Report	_____ Ordinance Action	_____ Resolution Action	_____ Public Hearing
<u>X</u> Consent	<u>X</u> Minute Action	_____ Receive and File	_____ Study Session

ARTICLE IX - OFFICERS

9.1 Selection of Mayor/Mayor Pro Tem (For Town Council Only)

(a) The Town Council reorganizes at the first meeting in December, or, in a councilmanic election year, at the meeting immediately following a certification by the County of San Bernardino Registrar of Voters, whichever is later. Traditionally the Mayor Pro Tem is nominated as Mayor and the next Mayor Pro Tem is nominated according to seniority. Seniority is based on the number of votes received in the member's election cycle, in the order in which the election cycle takes place, including any special election. Later election cycles or special elections do not supersede the seniority rotation in place prior to such elections. Appointed members will be junior in seniority to all other members seated at the time of appointment. While considering Council tradition, the Town Council may choose to nominate and confirm through majority vote any member of the Council for Mayor and Mayor Pro Tem based upon qualifications, need, or other criteria as may be appropriate at any given time.

(b) Upon being properly agendized and upon an affirmative vote of four/fifths (4/5) of the members of the Town Council, the seated Mayor and/or Mayor Pro Tem may be removed prior to the expiration of their terms in office for actions or inactions which have caused detrimental harm to the Town of Yucca Valley. Said actions or inactions include, but are not limited to: (i) gross negligence in performance in his/her duties; (ii) conduct unbecoming the position held; (iii) actions outside his/her scope of authority. Upon removal, the Council shall consider appointment of a Mayor and/or Mayor Pro Tem in as stated above. The new Mayor and/or Mayor Pro Tem shall serve the remaining term of the replaced officer(s) and shall be eligible for reappointment.

9.2 Presiding Officer

(a) The meeting shall be presided over and chaired by the Presiding Officer, or, in the Presiding Officer's absence, the Vice Chair. The Presiding Officer shall have the authority to rule any speaker out of order, including speakers during the public comment period if the subject raised is not within the subject matter jurisdiction of the Legislative Body, or during a public hearing if the speaker is not presenting testimony or evidence relevant to the matter which is the subject of the public hearing. The Presiding Officer shall have the responsibility for the conduct of meetings in an orderly manner and to prevent the obstruction of business, and in carrying out this responsibility shall have the authority to give the floor to any member of the Legislative Body or public by recognizing them, to prevent the misuse of legitimate forms of motions or privileges, to take matters up out of order, to caution speakers as to disruptive behavior, and to order any persons willfully interrupting the meeting to be removed from the room, including as provided in Article X.

(b) The Vice Chair shall generally take the place of the Presiding Officer in the absence of the Presiding Officer. In the absence of the Vice Chair, the Presiding Officer may call any other member to take his or her place as Presiding Officer; such substitution not to continue beyond adjournment.

Removal of Commissioners

In accordance with the Town's Manual of Procedural Guidelines, a commissioner may be removed from office at any time, with or without cause, by a majority vote of the Town Council.

OFFICERS

Election of Officers

The Commission shall elect from its membership, a chair and vice-chair. The chair and vice-chair shall have and perform such duties as commonly associated with the respective titles and specific adherence to the Town's Manual of Procedural Guidelines.

The Chair shall act as the official spokesperson for the Commission on official Commission recommendations to the Town Council.

MEETINGS

Time and Place

The Commission shall meet at least twice annually at such place and time as shall be fixed by the Commission by its standing rules. A majority of the existing appointed members of the Commission shall constitute a quorum for the transaction of business. In matters relating to the holding of regular and special meetings, the Commission and any standing Commission of the Commission, is bound by the provisions of the Ralph M. Brown Act of the State of California (Sections 54950, et. seq., California Government Code).

Special Meetings

Special meetings of the Commission shall be held upon the call of the Commission Chair or Vice-Chair. Special meetings shall be called for a specific purpose or purposes and shall not take the place of a regular Commission meeting unless so determined at a prior regular meeting.

Town Staff Support

As provided in the Town Budget, the Town Council authorizes the Town Manager to appoint a secretary and other staff as needed to support and assist the Commission as appropriate.

DECISION MAKING

Decisions shall be made by group consensus whenever possible. In the event that consensus cannot be reached, a vote with a simple majority of those present will prevail.

The Commission acknowledges that the recommendations made by the Commission to the Town Council may or may not be acted upon. In these instances, Commission members must respond to those actions, or inactions, in a respectful manner, understanding that the Town Council must consider all aspects of Town operations in their final actions.

REVENUE MEASURE OVERSIGHT COMMISSION STAFF REPORT

To: Revenue Measure Oversight Commissioners
From: Lesley Copeland, Town Clerk
Date: May 4, 2017
For Council Meeting: May 8, 2017

Subject: Selection of Commission Vice Chairperson

Recommendation: That the Revenue Measure Oversight Commission nominates a Commissioner to serve as Vice Chairperson

Order of Procedure:

- Request Staff Report
- Request Public Comment
- Council Discussion/Questions of Staff
- Motion/Second
- Discussion on Motion
- Call the Question

Discussion:

As a routine matter, the Revenue Measure Oversight Commission shall elect from its membership a vice chairperson. The vice chairperson shall have and perform such duties as commonly associated with the title and specific adherence to the Town's Manual of Procedural Guidelines. The vice chairperson will assume the duties of chairperson, in the absence of the chairperson.

Alternatives: None

Fiscal impact: None

Attachments: Page excerpt- Manual of Procedural Guidelines
Page excerpt- Revenue Measure Oversight Comm. Guidelines

Reviewed By: _____
 Town Manager Town Attorney Finance Manager Department

Department Report Ordinance Action Resolution Action Public Hearing
 Consent Minute Action Receive and File Study Session

ARTICLE IX - OFFICERS

9.1 Selection of Mayor/Mayor Pro Tem (For Town Council Only)

(a) The Town Council reorganizes at the first meeting in December, or, in a councilmanic election year, at the meeting immediately following a certification by the County of San Bernardino Registrar of Voters, whichever is later. Traditionally the Mayor Pro Tem is nominated as Mayor and the next Mayor Pro Tem is nominated according to seniority. Seniority is based on the number of votes received in the member's election cycle, in the order in which the election cycle takes place, including any special election. Later election cycles or special elections do not supersede the seniority rotation in place prior to such elections. Appointed members will be junior in seniority to all other members seated at the time of appointment. While considering Council tradition, the Town Council may choose to nominate and confirm through majority vote any member of the Council for Mayor and Mayor Pro Tem based upon qualifications, need, or other criteria as may be appropriate at any given time.

(b) Upon being properly agendized and upon an affirmative vote of four/fifths (4/5) of the members of the Town Council, the seated Mayor and/or Mayor Pro Tem may be removed prior to the expiration of their terms in office for actions or inactions which have caused detrimental harm to the Town of Yucca Valley. Said actions or inactions include, but are not limited to: (i) gross negligence in performance in his/her duties; (ii) conduct unbecoming the position held; (iii) actions outside his/her scope of authority. Upon removal, the Council shall consider appointment of a Mayor and/or Mayor Pro Tem in as stated above. The new Mayor and/or Mayor Pro Tem shall serve the remaining term of the replaced officer(s) and shall be eligible for reappointment.

9.2 Presiding Officer

(a) The meeting shall be presided over and chaired by the Presiding Officer, or, in the Presiding Officer's absence, the Vice Chair. The Presiding Officer shall have the authority to rule any speaker out of order, including speakers during the public comment period if the subject raised is not within the subject matter jurisdiction of the Legislative Body, or during a public hearing if the speaker is not presenting testimony or evidence relevant to the matter which is the subject of the public hearing. The Presiding Officer shall have the responsibility for the conduct of meetings in an orderly manner and to prevent the obstruction of business, and in carrying out this responsibility shall have the authority to give the floor to any member of the Legislative Body or public by recognizing them, to prevent the misuse of legitimate forms of motions or privileges, to take matters up out of order, to caution speakers as to disruptive behavior, and to order any persons willfully interrupting the meeting to be removed from the room, including as provided in Article X.

(b) The Vice Chair shall generally take the place of the Presiding Officer in the absence of the Presiding Officer. In the absence of the Vice Chair, the Presiding Officer may call any other member to take his or her place as Presiding Officer; such substitution not to continue beyond adjournment.

Removal of Commissioners

In accordance with the Town's Manual of Procedural Guidelines, a commissioner may be removed from office at any time, with or without cause, by a majority vote of the Town Council.

OFFICERS

Election of Officers

The Commission shall elect from its membership, a chair and vice-chair. The chair and vice-chair shall have and perform such duties as commonly associated with the respective titles and specific adherence to the Town's Manual of Procedural Guidelines.

The Chair shall act as the official spokesperson for the Commission on official Commission recommendations to the Town Council.

MEETINGS

Time and Place

The Commission shall meet at least twice annually at such place and time as shall be fixed by the Commission by its standing rules. A majority of the existing appointed members of the Commission shall constitute a quorum for the transaction of business. In matters relating to the holding of regular and special meetings, the Commission and any standing Commission of the Commission, is bound by the provisions of the Ralph M. Brown Act of the State of California (Sections 54950, et. seq., California Government Code).

Special Meetings

Special meetings of the Commission shall be held upon the call of the Commission Chair or Vice-Chair. Special meetings shall be called for a specific purpose or purposes and shall not take the place of a regular Commission meeting unless so determined at a prior regular meeting.

Town Staff Support

As provided in the Town Budget, the Town Council authorizes the Town Manager to appoint a secretary and other staff as needed to support and assist the Commission as appropriate.

DECISION MAKING

Decisions shall be made by group consensus whenever possible. In the event that consensus cannot be reached, a vote with a simple majority of those present will prevail.

The Commission acknowledges that the recommendations made by the Commission to the Town Council may or may not be acted upon. In these instances, Commission members must respond to those actions, or inactions, in a respectful manner, understanding that the Town Council must consider all aspects of Town operations in their final actions.

REVENUE MEASURE OVERSIGHT COMMISSION STAFF REPORT

To: Revenue Measure Oversight Commissioners
From: Lesley Copeland, Town Clerk
Date: May 4, 2017
For Council Meeting: May 8, 2017

Subject: Selection of Meeting Schedule

Recommendation: That the Revenue Measure Oversight Commission selects meeting dates for June, July, and August of 2017.

Order of Procedure:

- Request Staff Report
- Request Public Comment
- Council Discussion/Questions of Staff
- Motion/Second
- Discussion on Motion
- Call the Question

Discussion:

According to the Commission’s Guidelines: The Commission shall meet at least twice annually at such place and time as shall be fixed by the Commission by its standing rules. A majority of the existing appointed members of the Commission shall constitute a quorum for the transaction of business.

Initially, there is a need for the Commission to meet monthly to establish priorities and develop a recommendation for Town Council consideration. Attached are monthly calendars for review and discussion.

Alternatives: None

Fiscal impact: None

Attachments: Monthly Calendars

Reviewed By: _____ _____ _____ _____
 Town Manager Town Attorney Finance Manager Department

Department Report ___ Ordinance Action ___ Resolution Action ___ Public Hearing
___ Consent Minute Action ___ Receive and File ___ Study Session

June 2017

June 2017

Su Mo Tu We Th Fr Sa

4 5 6 7 8 9 10
11 12 13 14 15 16 17
18 19 20 21 22 23 24
25 26 27 28 29 30

July 2017

Su Mo Tu We Th Fr Sa

2 3 4 5 6 7 8
9 10 11 12 13 14 15
16 17 18 19 20 21 22
23 24 25 26 27 28 29
30 31

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
May 28	29	30	31	Jun 1	2	3
4	5	6 6:00pm 8:00pm Town Council Meeting	7	8	9 Town Offices Closed	10
11	12	13 6:00pm 8:00pm Planning Commission Meeting	14	15	16	17
18	19	20 6:00pm 8:00pm Town Council Meeting	21	22	23 Town Offices Closed	24
25	26	27 6:00pm 8:00pm Planning Commission Meeting	28	29	30	Jul 1

May 28 - Jun 3

Jun 4 - 10

Jun 11 - 17

Jun 18 - 24

Jun 25 - Jul 1

July 2017

July 2017

August 2017

Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
2	3	4	5	6	7	8	1	2	3	4	5	6	7
9	10	11	12	13	14	15	8	9	10	11	12	13	14
16	17	18	19	20	21	22	15	16	17	18	19	20	21
23	24	25	26	27	28	29	22	23	24	25	26	27	28
30	31						29	30	31				

	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
Jun 25		26	27	28	29	30	Jul 1
2		3	4	5	6	7	8
			Independence Day Ho			Town Offices Closed	
9		10	11	12	13	14	15
			6:00pm 8:00pm Planning Commission Meeting				
16		17	18	19	20	21	22
			6:00pm 8:00pm Council Meeting			Town Offices Closed	
23		24	25	26	27	28	29
			6:00pm 8:00pm Planning Commission Meeting				
30		31	Aug 1	2	3	4	5
7/30 - 8/4							

6/25 - 30

7/2 - 7

7/9 - 14

7/16 - 21

7/23 - 28

August 2017

August 2017

Su	Mo	Tu	We	Th	Fr	Sa
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

September 2017

Su	Mo	Tu	We	Th	Fr	Sa
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30

	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
Jul 30		31	Aug 1	2	3	4	5
Jul 30 - Aug 5			6:00pm 8:00pm Town Council Meeting			Town Offices Closed	
6		7	8	9	10	11	12
Aug 6 - 12			6:00pm 8:00pm Planning Commission Meeting				
13		14	15	16	17	18	19
Aug 13 - 19			6:00pm 8:00pm Town Council Meeting			Town Offices Closed	
20		21	22	23	24	25	26
Aug 20 - 26			6:00pm 8:00pm Planning Commission Meeting				
27		28	29	30	31	Sep 1	2
Aug 27 - Sep 2							

REVENUE MEASURE OVERSIGHT COMMISSION STAFF REPORT

To: Honorable Chair and Commissioner Members
From: Curtis Yakimow, Town Manager
Date: May 4, 2017
For Council Meeting: May 8, 2017

Subject: Manual of Procedural Guidelines

Recommendation: That the Commission receive and file an overview of the Town's Manual of Procedural Guidelines for the Conduct of Town Council and Constituent Body/Commission Meetings.

Order of Procedure:

- Request Staff Report
- Request Public Comment
- Council Discussion/Questions of Staff
- Motion/Second
- Discussion on Motion
- Call the Question

Discussion:

Town staff will distribute and review pertinent highlights from the Manual of Procedural Guidelines as applicable to the Oversight Commission. This verbal summary will highlight the structure and content of the Manual as it applies to the Commission members.

Attachments: Manual of Procedural Guidelines (under separate cover)

Reviewed By: _____ _____ _____ _____
 Town Manager Town Attorney Finance Manager Department

<input checked="" type="checkbox"/> Department Report	<input type="checkbox"/> Ordinance Action	<input type="checkbox"/> Resolution Action	<input type="checkbox"/> Public Hearing
<input type="checkbox"/> Consent	<input checked="" type="checkbox"/> Minute Action	<input checked="" type="checkbox"/> Receive and File	<input type="checkbox"/> Study Session

